

## Interview Summary

Application No.  
09/440,340

Applicant(s)  
Eric Hince

Examiner  
Deborah Ware

Art Unit  
1651



All participants (applicant, applicant's representative, PTO personnel):

(1) Deborah Ware

(3) Eric Hince

(2) David Naff

(4) \_\_\_\_\_

Date of Interview Jul 1, 2003

Type: a) ☒ Telephonic      b) ☐ Video Conference  
c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes      e) ☒ No. If yes, brief description:

Claim(s) discussed: all pending claims

Identification of prior art discussed:

Pinckard and Clarke and obv. double patenting rejections.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Applicant urged that Pinckard is directed to a composition which is prepared as a compost and the their disclosed invention is directed to a dried composition. However, Examiners pointed out that claims do not require a composition in a dry form and suggested that claims be amended to read on a ~~dried~~ composition, per se. Also Clarke was urged by Applicant to not teach a combination of the plant families and Examiners stated that the issue will be reconsidered upon receipt of Applicant's response. Further, with respect to the 35 USC 112, first issues it was realized by Applicant that there is no support or not believed to be sufficeint support for range claimed and thus, they determined that they will either change and provide support for an appropriate range or delete the range completely from the claim and Examiners agreed to such a change as long as no new matter issue is presented. Further, the specific componenets of the Markush Group were acknowledged as not having support either and thus, it is suggested that these componenets be deleted as well.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

**DEBORAH K. WARE**  
**PATENT EXAMINER**

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required